

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

PUBLIC COPY

**U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals, MS 2090
Washington, DC 20529-2090**



**U.S. Citizenship
and Immigration
Services**

B5

FILE:

LIN 06 266 52906

Office: NEBRASKA SERVICE CENTER

APR 26 2010

Date:

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).



Perry Rhee
Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the employment-based immigrant visa petition, which is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a software development and consulting company. It seeks to employ the beneficiary permanently in the United States as a computer systems analyst pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2). In pertinent part, section 203(b)(2) of the Act provides immigrant classification to members of the professions holding advanced degrees or their equivalent and whose services are sought by an employer in the United States. As required by statute, the petition was accompanied by certification from the Department of Labor.

The director determined that the petitioner had not established that it had the continuing ability to pay the beneficiary the proffered wage beginning on the 2006 priority date of the visa petition. The director also determined that the payment of the beneficiary's wages by other companies owned by the petitioner's owner and located at the same address could not establish the petitioner's ability to pay the proffered wage. The director denied the petition accordingly.

On appeal, [REDACTED] the petitioner's owner, resubmits the beneficiary's pay statements from [REDACTED] for December 2005, all of 2006 and from January to September 2007. He also submits a letter from him dated January 30, 2008 that lists the same materials submitted in response to the director's Notice of Intent to Deny the petition (NOID), and also resubmits the letter he previously provided with regard to the relationship between [REDACTED] and [REDACTED], (the petitioner), three companies located at [REDACTED]

The only new documentation submitted by [REDACTED] are copies of two documents from the state of New York Division of Corporation database that provide corporate information on the petitioner [REDACTED] and another company, [REDACTED]. This latter document indicates the [REDACTED] is a foreign limited liability company located at the same address as the petitioner. The document lists this company's jurisdiction as South Dakota.

[REDACTED] provides no comment on the Form I-290B, with regard to any error or conclusion of law in the director's decision. He also makes no further comments with regard to the two new documents he submitted on appeal with regard to any relevancy to the issues raised by the director in his denial of the instant petition.

The record shows that the appeal is properly filed and timely, but makes no specific allegation of error in law or fact. Therefore the AAO has nothing to review with regard to the petitioner's appeal, and will summarily dismiss the appeal.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361. The petitioner has not met that burden.

ORDER: The appeal is summarily dismissed.